

## REMARKS

This is intended as a supplemental response to the Response to Final Office Action dated December 18, 2009, filed on March 17, 2010.

In the Advisory Action dated April 5, 2010, the Examiner stated the following:

"the figure of Metcalfe (reproduced in the final rejection mailed December 18, 2009) shows a hoop stress expansion member. The examiner has identified the hoop stress expansion member to be the portion of the expander located above the end of the rollers 38 (i.e. the straight portion of the expander above rollers 38). As clearly seen in the figure this portion of the expander contacts the inclined semi-expanded tubing and further expands the tubing to the final expanded diameter."

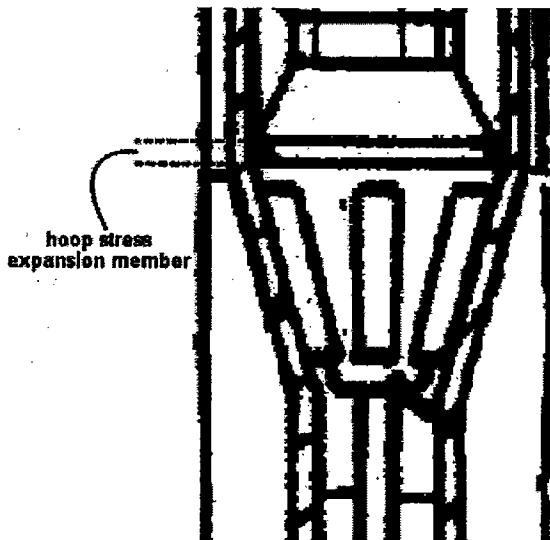


FIG A  
(copied from the final rejection mailed December 18, 2009)

Below are enlarged views of portions of Figures 1-3 of *Metcalfe*:

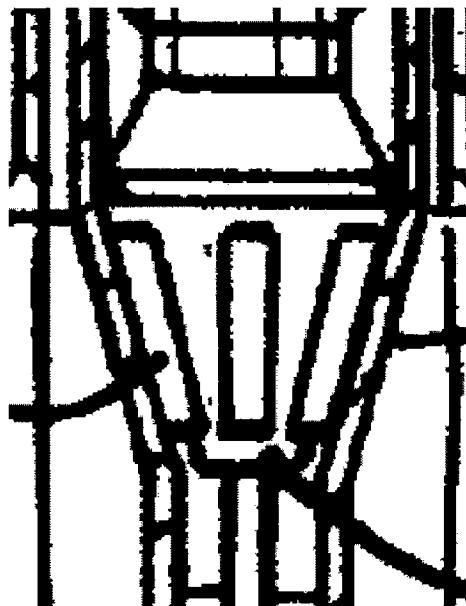


Fig. 1 (prior to expansion of the tubular)

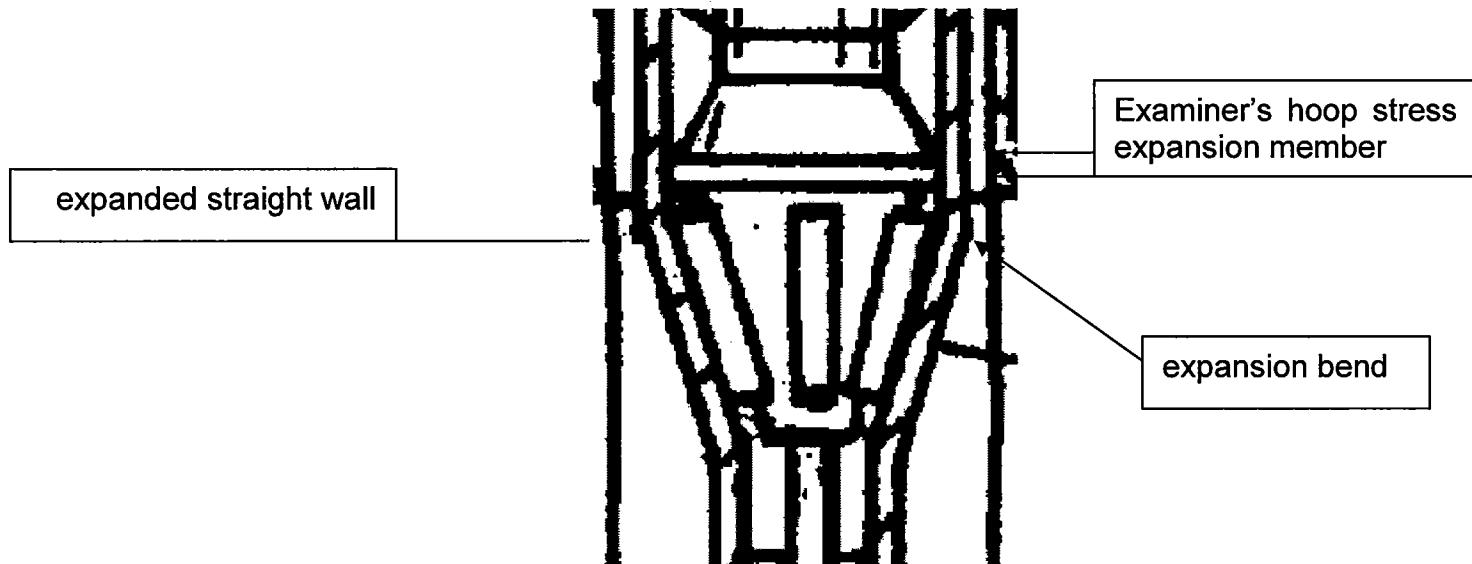


Fig. 2 (during expansion of the tubular)

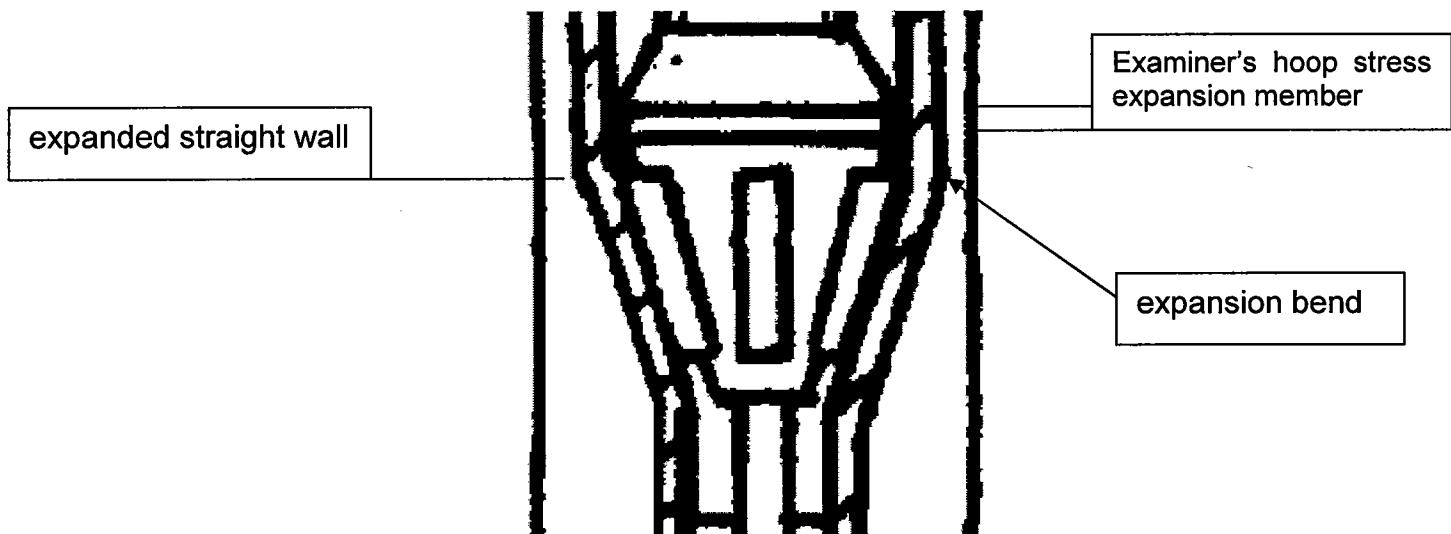


Fig. 3 (during expansion of the tubular)

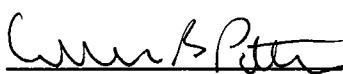
In comparing FIG A to the Figures 1-3, it appears the Examiner has relied on Figure 1 to illustrate the hoop stress expansion member expanding the tubing to a second larger diameter. However, Applicants respectfully point out that Figure 1 illustrates the expansion device 20 prior to expansion of the tubing 18. (See Metcalfe col. 5, ln. 23-25 and col. 4, lines 40-56). Because no expansion is being performed in Figure 1, the suggestion that the "hoop stress expansion member" identified by the Examiner expands the tubular is not supported by the specification. Indeed, the specification discloses that expansion occurs in Figures 2 and 3, not Figure 1. Therefore, the feature identified by the Examiner in Figure 1 does not qualify as a "hoop stress expansion member."

Figures 2 and 3 also do not teach or suggest that feature expands the tubular. In Figures 2 and 3, the expansion device 20 has been activated and extended outwardly to expand the tubing 18. In this respect, it can be seen that the upper outer edges of the rollers 38 causes the expansion bend of the tubular 18. Also, the tubular 18 has an expanded straight wall section after the expansion bend. As a result, the walls of the tubular 18 are straight before and after the "hoop stress expansion member" feature identified by the Examiner. Therefore, the feature identified by the Examiner does not expand the tubular 18 and cannot qualify as a "hoop stress expansion member."

*Metcalfe* also is silent as to the relative size of the "hoop stress expansion member" and there is simply no teaching that the "hoop stress expansion member" expands the tubular 18. Specifically, Figures 1-3 cannot be relied on to show the relative sizes of the elements as the specification is completely silent on the issue of expansion by the Examiner's "hoop stress expansion member." *Hockerson-Halberstadt, Inc. v. Avia Group Int'l, Inc.* 222 F.3d 951, 956 (Fed.Cir.2000) (drawings not expressly drawn to scale "may not be relied on to show particular sizes ... "); see also, *Franklin Elec. Co. v. Dover Corp.*, No. 2006-1442, 2007WL 634439, at 6 (Fed. Cir. Mar. 1, 2007)(unpublished)(noting that "[w]e need not resolve the ambiguity [of the apparent contact shown in the patent figures] here because figures are generally not intended to convey such detail"). As previously noted, what *is* taught is that the rollers 38 move in rolling contact around the inner wall of the tubing 18 and expand the tubing to an intermediate diameter, and the second expander section 32 further expands the tubular, as shown in Figures 2 and 3. Accordingly, Figures 1-3 and the corresponding description in the specification are inapposite as they do not illustrate or describe a "hoop stress expansion member" that expands the tubular 18.

Applicants respectfully submit that the claims are in condition for allowance and respectfully request that the claims be allowed.

Respectfully submitted,

  
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